

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

KATAY JOSEPH,

Petitioner,

v.

WARDEN, FCI JESUP,

Respondent.

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CIVIL ACTION NO.: 2:18-cv-3

ORDER

After an independent and de novo review of the entire record, the Court concurs with the Magistrate Judge's Report and Recommendation. Dkt. No. 4. Petitioner Katay Joseph ("Joseph") filed Objections.¹ Dkt. No. 5.

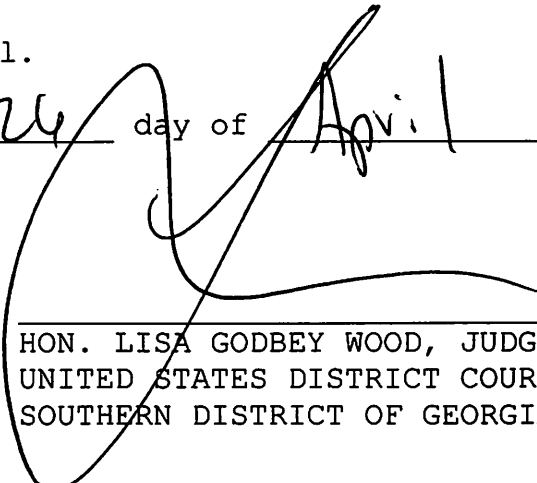
In his Objections, Joseph claims he can challenge his sentence under 28 U.S.C. § 2241, and he cites to several decisions arising from the Fourth, Sixth, and Seventh Circuit Courts of Appeals as putative support for this claim. Id. at pp. 3-5. However, Joseph also notes he can challenge the validity of his conviction under § 2241 only if he can satisfy the saving clause of 28 U.S.C. § 2255(e). Id. at p. 3. This is

¹ Since the filing of his Objections, this Court has had two of its Orders returned as undeliverable to Joseph. Dkt. Nos. 7, 9.

precisely the analysis the Magistrate Judge undertook in recommending Joseph's Petition be dismissed, and Joseph provides nothing in his Objections that serves to undermine the Magistrate Judge's recommendation or controlling case law. Dkt. No. 4, pp. 4-9. Joseph has not met the requirements of § 2255's saving clause to permit him to proceed with his claims via this § 2241 Petition.

Thus, the Court **OVERRULES** Joseph's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES** Joseph's § 2241 Petition, **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal, and **DENIES** Joseph *in forma pauperis* status on appeal.

SO ORDERED, this 26 day of April, 2019.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA